



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 9, 2007

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters, dated January 19, 2007 and February 1, 2007, which requested a briefing and access to documents for Judiciary Committee members and selected staff, regarding the Terrorist Surveillance Program (TSP) and the recent orders of a Judge of the Foreign Intelligence Surveillance Court (FISC), dated January 10, 2007, and described in the Attorney General's letter of January 17, 2007. Pursuant to the Committee's request, we are replying through the Judiciary Committee office, and have copied the other Members who joined in your letter to us.

Members of the Intelligence Committees have been read into the TSP, based upon the President's decision, and those Committees have been briefed on the new orders, consistent with their oversight authority relating to intelligence matters and the National Security Act. Copies of these highly classified documents, specifically the January 10, 2007 orders, the Government's applications and certain of the exhibits attached to the applications, have been provided to both Intelligence Committees. We note that these documents contain information involving intelligence sources and methods and that the provision of FISA applications to even these Committees is an extraordinary action. Moreover, the Intelligence Committees have agreed to strict access limitations with respect to these documents.

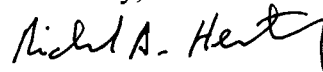
The President has further decided to permit you, as Chairman of the Judiciary Committee, and Ranking Member Smith, to review these documents at the Intelligence Committee's facility for handling sensitive compartmented information, and to be briefed about the orders of January 10, 2007. This decision does not involve reading you into the TSP. Instead, our goal is to provide you and the Ranking Member with information about our legal position on the Foreign Intelligence Surveillance Act and the opportunity to review the pertinent documents in this matter.

The Honorable John Conyers, Jr.
Page Two

In the ordinary course, we believe that all Committee members should have access to documents and other information we provide in response to Committee requests, but the operational character and extraordinary sensitivity of this information do not permit such access in this instance. We have, however, taken the extraordinary step of allowing access to the Chair and Ranking Member to highly sensitive documents that would normally be reviewed only by the Intelligence Committees. We understand that Ranking Member Smith has already received a briefing on this matter and has had the opportunity to review the documents at the House Permanent Select Committee on Intelligence. We hope that you will avail yourself of the same opportunities in the near future.

We appreciate your interest in this matter and look forward to working with you as Chairman of the Committee. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,



Richard A. Hertling
Acting Assistant Attorney General

Cc: The Honorable Lamar Smith
Ranking Minority Member

The Honorable Howard L. Berman
The Honorable Rick Boucher
The Honorable Jerrold Nadler
The Honorable Robert C. "Bobby" Scott
The Honorable Melvin L. Watt
The Honorable Zoe Lofgren
The Honorable Sheila Jackson-Lee
The Honorable Maxine Waters
The Honorable Martin T. Meehan
The Honorable William D. Delahunt
The Honorable Robert Wexler
The Honorable Linda T. Sanchez
The Honorable Steve Cohen
The Honorable Henry C. "Hank" Johnson, Jr.
The Honorable Luis V. Gutierrez
The Honorable Brad Sherman
The Honorable Anthony D. Weiner
The Honorable Adam B. Schiff
The Honorable Artur Davis
The Honorable Debbie Wasserman Schultz
The Honorable Keith Ellison